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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

KEITH F. BELL, PH.D.,

Plaintiff,

v.

GRANITE SCHOOL DISTRICT,

Defendant.

**MOTION TO WITHDRAW AS
COUNSEL**

Case No. 2:19-cv-00209-TC

District Judge Tena Campbell

Pursuant to DUCivR 83-1.4, Julianne P. Blanch and Grace Pusavat and the law firm of Parsons Behle and Latimer, C. Ashley Callahan from the Law Offices of C. Ashley Callahan, and Joshua G. Jones of the Law Offices of Joshua G. Jones (collectively, “**Counsel**”) move this Court

for leave to withdraw as counsel for Keith F. Bell, Ph.D. (“**Client**” or “**Plaintiff**”). The Client’s last known address is:

Keith F. Bell
3101 Mistyglen Cir.
Austin, TX 78746
(512) 327-2260
drkeithbell@gmail.com

The reason for withdrawal is that the representation has been rendered unreasonably difficult due to a break down in the attorney-client relationship.

This motion is made without the Client’s consent and is accompanied by a certification that the motion was sent to the Client and to all parties. In accordance with DUCivR 83-1.4(b)(2), attached as Exhibit 1 is a description of the status of the case including the dates and times of any scheduled court proceedings, requirements under any existing court orders, and any possibility of sanctions. The undersigned certifies that no trial date is set.

A proposed Order Granting Motion to Withdraw as Counsel is attached as Exhibit 2 and has been submitted in Word format by email to the presiding judge in this case.

NOTICE TO CLIENT

1. If this motion is granted and no Notice of Substitution of Counsel has been filed, then you must file a Notice of Appearance within twenty-one (21) days after entry of the Order Granting Motion to Withdraw as Counsel, unless otherwise ordered by the court.

DATED this 19th day of December, 2019.

PARSONS BEHLE & LATIMER

/s/ Grace S. Pusavat
Grace S. Pusavat

Attorneys Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of December, 2019, I caused a true and accurate copy of the foregoing **MOTION TO WITHDRAW AS COUNSEL** to be served on Keith F. Bell as follows:

Keith F. Bell
3101 Mistyglen Cir.
Austin, TX 78746
(512) 327-2260
drkeithbell@gmail.com

I further certify that on this 19th day of December, 2019, I caused a true and accurate copy of the foregoing **MOTION TO WITHDRAW AS COUNSEL** to be served via CM/ECF on all counsel who have enrolled to receive electronic service in this case.

/s/ Grace S. Pusavat
Grace S. Pusavat

Exhibit 1

Written description of the status of the case, including the dates and times of any scheduled court proceedings, pending compliance with any existing court orders, and the possibility of sanctions

Status of Case No. 2:19-cv-00209-TC

Plaintiff Keith F. Bell (“**Plaintiff**”) initiated this case by filing the Complaint against Granite School District (“**Defendant**”) on March 28, 2019. The Complaint and Summons were served on Defendant, and Plaintiff filed the Return of Service on April 15, 2019. Defendant filed its Answer and Counterclaim on June 7, 2019. Plaintiff and Defendant (the “**Parties**”) filed the Attorney Planning Meeting Report on June 19, 2019. Plaintiff filed his Answer to the Counterclaim on June 29, 2019. The Court entered the Scheduling Order in this matter on September 19, 2019.

On December 6, 2019, Defendant filed its Motion for Partial Summary Judgment. Because Plaintiff’s counsel seeks to withdraw, Defendant has agreed to an extension until 30 days following the appearance of Plaintiff’s new counsel.

Pursuant to DUCivR 83-1.4(c), upon entry of an order granting a motion to withdraw, the action shall be stayed until twenty-one (21) days after entry of the order; unless otherwise ordered by the court. The Parties ask the Court stay the case until Plaintiff files his response to the Motion for Partial Summary Judgment or the 30-day period following the appearance of Plaintiff’s new counsel has expired. After expiration of the stay period, either party may request a scheduling conference or submit a proposed amended scheduling order.

Within twenty-one (21) days after entry of an order granting a motion to withdraw, or within the time otherwise required by the court:

- (i) Any individual whose attorney has withdrawn is required to file a notice of pro se appearance or new counsel shall file an appearance on that party’s behalf.

An unrepresented party who fails to appear within twenty-one (21) days after entry of the order, or within the time otherwise required by the court, may be subject to sanction pursuant to Federal Rule of Civil Procedure 16(f)(1), including but not limited to dismissal or default judgment.

Exhibit 2

Proposed Order Granting Motion to Withdraw as Counsel

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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

KEITH F. BELL, PH.D.,

Plaintiff,

v.

GRANITE SCHOOL DISTRICT,

Defendant.

**ORDER GRANTING MOTION TO
WITHDRAW AS COUNSEL**

Case No. 2:19-cv-00209-TC

District Judge Tena Campbell

The court, having reviewed the Motion for Leave to Withdraw as Counsel filed by Julianne P. Blanch and Grace Pusavat and the law firm of Parsons Behle and Latimer, C. Ashley Callahan from the Law Offices of C. Ashley Callan, and Joshua G. Jones of the Law Offices of Joshua G. Jones (collectively, “**Counsel**”), and good cause appearing for such motion, hereby GRANTS the motion.

IT IS HEREBY ORDERED that:

1. Counsel may withdraw, and is hereby removed as counsel for Keith F. Bell, (“**Plaintiff**”);
2. Unless a Notice of Substitution of Counsel has been filed, within twenty-one (21) days after entry of the order, or within the time otherwise required by the court, the unrepresented party shall file a notice of appearance;
3. The present action with regard to Defendants shall be stayed until Plaintiff files its response to Defendant’s Motion for Partial Summary Judgement, or thirty (30) days after the appearance of the Notice of Substitution of Counsel, whichever occurs first.
4. A party who fails to file such a Notice of Substitution of Counsel or Notice of Appearance may be subject to sanction pursuant to Federal Rule of Civil Procedure 16(f)(1), including but not limited to dismissal or default judgment.

IT IS SO ORDERED.

DATED this ____ day of December 2019.

BY THE COURT:

Judge Tena Campbell